

REMARKS

This is intended as a full and complete response to the Office Action dated February 3, 2010, having a shortened statutory period for response set to expire on May 3, 2010. Applicants respectfully request entry and consideration of the above noted amendments and the following remarks in response to the Office Action.

CLAIM REJECTIONS:

Claims 11-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Kokai 2002-275330 (*Isao*) in view of U.S. Patent No. 6,583,253 (*Fischer*) and WO 00/50476 (*Demain*).

The Office Action acknowledges that *Isao* does not disclose creating an isotactic polymer having the claimed melt flow. *See*, Office Action dated February 3, 2010 at page 2, last paragraph. However, the Office Action asserts that in multiple Examples, “isotactic polymers are produced with melt flow indexes outside of the range required by applicant” and that “because *Isao* discloses creating polymers which are in the required MFI range...one of ordinary skill in the art would have found it obvious to create a polymer that is isotactic and also within the required melt flow index range”. *See, Id.* at page 3, first paragraph. Applicants respectfully submit that there is no support in the cited art for such a position. In fact, the teaching in *Isao* that the claimed melt flow rate can be found in random copolymers, but no teaching of isotactic polymers having the claimed melt flow index exists in *Isao*, could in fact lead those in the art away from the present claimed features.

The Office Action further states that it is the Examiner’s “position that because the polymer is made by the process steps required by Applicant and has the same physical properties”. *See, Id.* at page 3, second paragraph. Applicants respectfully submit that, as discussed above, the polymer taught by *Isao* does not have the same physical properties as claimed.

Furthermore, the Office Action asserts that metallocene catalysts are utilized for lowering melting temperature, which “reduces the cycle times in processes which require heating of the polymer to a working temperature” and therefore it would have been obvious to utilize such “for the benefit of reducing the cycle time of the thermoforming

process". *See, Id.* page 3, at last paragraph. Applicants respectfully submit that the Office Action provides no support for the logic that a reduced melting temperature directly leads to reduced cycle times. As demonstrated by the instant Specification, a lower melting temperature of a polymer does not necessarily lead to a lower perform stretching temperature. Cycle time does not only depend upon heating, but also cooling and the point in time in which the stretched article can be ejected from the mold without deformation. For example, syndiotactic polypropylene has a low melting temperature, but a slow crystallization rate, resulting in not a lower cycle time, but a longer cycle time. Accordingly, the mere fact that isotactic polypropylene formed from polypropylene may have a lower melting point than a reference Ziegler-Natta formed polypropylene would not lead one skilled in the art to believe that such would necessarily have a shorter cycle time.

In addition, the Office Action states that "Demain discloses that it is well known in the art to utilize metallocene catalysts in order to impart polypropylene with greater rigidity than would be achieved with a Ziegler-Natta catalyst" and refers to page 4, line 9. *See, Id.* at page 4, first paragraph. Applicants respectfully disagree and submit that such reference (and that of the Examples) demonstrates that polymers produced in *Demain* have a rigidity/flexibility between those for Z-N homopolymers and Z-N random copolymers.

Where the prior art has not recognized a feature of the pending claims, no expectation would exist that utilization of such catalyst would successfully yield the desired improvement. *See, In re Antonie*, 559 F.2d at 619, 195 U.S.P.Q. at 8 (stating two exceptions to a result effective variable's prima facie obviousness; 1. unexpectedly good results and 2. the art did not recognize that the parameter optimized was a result-effective variable). Applicants respectfully submit that the cited references do not recognize the claimed features.

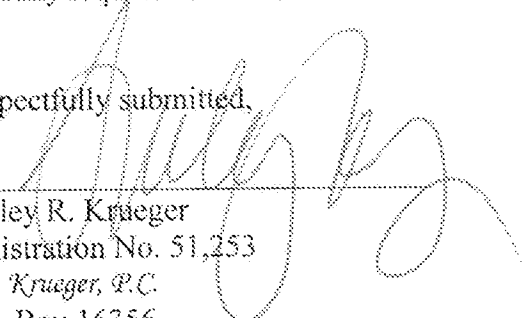
For the reasons set forth herein, Applicants respectfully submit that it would not have been obvious to one skilled in the art to have modified the referenced teachings to render the claimed subject matter obvious. Accordingly, Applicants respectfully request withdrawal of the rejection.

Claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Isao* in view of U.S. Patent No. 4,308,086 (*Valyi*) and U.S. Patent No. 4,079,104 (*Dickson*).

The prior art made of record is noted. However, it is believed that the secondary references do not supply the features missing from the primary reference cited in the Office Action. Therefore, it is believed that a detailed discussion of the secondary references is not deemed necessary for a full and complete response to this Office Action. For the reasons set forth above, Applicants respectfully request withdrawal of the rejection.

In conclusion, Applicants submit that the references cited in the Office Action, neither alone nor in combination, teach, show, or suggest the claimed features. Having addressed all issues set out in the Office Action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request the same.

Respectfully submitted,



Tenley R. Krueger
Registration No. 51,253
T.R. Krueger, P.C.
P.O. Box 16356
Sugar Land, Texas 77496
Telephone: 281-778-8934
Facsimile: 281-778-8937
Attorney for Applicant(s)